

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAADIL HIRAMANNEK, *et al.*,

No. C-13-0228 EMC

Plaintiffs,

v.

**ORDER RE PLAINTIFFS' MOTION  
FOR CLARIFICATION**L. MICHAEL CLARK, *et al.*,Defendants.  

---

The Court has received an e-mail (see attached) from Plaintiff Adil Hiranannek which it construes as a motion for clarification.

Previously, the Court ordered the U.S. Marshal to serve the amended complaint filed by Mr. Hiranannek and his mother, Roda Hiranannek, on the Superior Court and Judge Clark. The Court also instructed Plaintiffs not to file any motion, including a motion for leave to file a second amended complaint, until after the Superior Court and Judge Clark made an appearance in the case and the case management conference was held on November 21, 2013. *See* Docket No. 39 (Order at 12). The case management conference has now been rescheduled for December 12, 2013. *See* Docket No. 52 (clerk's notice). Mr. Hiranannek now seeks clarification as to whether he is barred from filing a motion for leave to file a second amended complaint now that the Superior Court and Judge Clark have filed a motion to dismiss.

The Court hereby clarifies that both Mr. Hiranannek and Ms. Hiranannek are barred from filing a motion for leave to file a second amended complaint until after the case management conference is held on December 12, 2013. To the extent Mr. Hiranannek suggests he is allowed to


1 amend his complaint because the Superior Court and Judge Clark have filed a motion to dismiss, the  
2 Court does not agree. Federal Rule of Civil Procedure 15 allows for a *single* amendment as a matter  
3 of course. Plaintiffs have effectively been given that amendment when the Court dismissed the  
4 original complaint filed by Plaintiffs and allowed them to file an amended complaint.

5 To the extent Mr. Hirananeck contends that the Court's order barring him and his mother  
6 from filing a motion for leave to amend prejudices him or his mother,<sup>1</sup> he has not made out a  
7 sufficient showing of prejudice. Mr. Hirananeck suggests that, if Plaintiffs cannot amend, then their  
8 new claim or claims will be barred by the statute of limitations, but he points to no specific claims  
9 that Plaintiffs wish to add and that may be time barred unless the Court lifts the bar against them.

10 Accordingly, the Court reaffirms its prior ruling. The Court also notes that, at the hearing on  
11 the Superior Court and Judge Clark's motion to dismiss (which is also set for December 12, 2013),  
12 Plaintiffs are free to make any argument as why they should be given leave to amend, should the  
13 Court be inclined to grant the motion to dismiss.

14  
15 IT IS SO ORDERED.

16  
17 Dated: November 13, 2013

18   
19 EDWARD M. CHEN  
20 United States District Judge  
21  
22  
23  
24  
25  
26

---

27 <sup>1</sup> Technically, Mr. Hirananeck does not have standing to make any argument on behalf of Ms.  
28 Hirananeck, his mother. Furthermore, Mr. Hirananeck is not an attorney and therefore cannot make  
arguments on her behalf in a representative capacity.